

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

Rule No.: SPS 160, 161, 162, 163, 164, 165, 166, 167, 168

Relating to: Substance Abuse Professionals

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The proposed rulemaking project is intended to update the administrative rules relating to substance abuse professionals by incorporating current industry standards and technological advances and to reorganize pertinent administrative rules for clarity, consistency, and greater ease of use. The proposed rules also would address policy problems facing the substance abuse professional industry including workforce shortage issues.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Current department administrative rules relating to substance abuse professionals resulted from an initial, large-scale rule-writing effort. Since initial promulgation, a number of areas of the code have been identified as redundant, confusing, and/or outdated. Proposed modifications would revise existing rules for greater clarity and update credential requirements to incorporate current industry standards and technological advances. The proposed rule would address credential requirements that exacerbate workforce shortage issues including modifying restrictions on internet-based coursework and establishing alternative education options.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

§ 227.11 (2) (a), Wis. Stats. Rule-making authority is expressly conferred as follows: (a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

§ 440.88 (3) (a) and (b), Wis. Stats. Subject to pars. (b) and (c) and except as provided in sub. (3m), the department shall promulgate rules that establish minimum standards and qualifications for the certification of all of the following, including substance abuse counselors and clinical supervisors described under s. HFS 75.02 (11) and (84), Wis. Adm. Code, in effect on December 15, 2006: 1. Substance abuse counselors-in-training., 2. Substance abuse counselors., 3. Clinical substance abuse counselors., 4m. Clinical supervisors-in-training., 5. Intermediate clinical supervisors., 6. Independent clinical supervisors., 7. Prevention specialists-in-training., and 8. Prevention specialists. (b) Rules promulgated under par. (a) shall include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence-based.

§ 440.88 (9), Wis. Stats. The department may do all of the following: (a) Establish the minimum number of hours of continuing education required for renewal of certification under this section and the topic areas that the continuing education must cover. (b) Require continuing education as part of any disciplinary process for an individual.

§ 440.88 (10), Wis. Stats. Continuing education course approval. The department shall establish the criteria for the approval of continuing education programs and courses required for renewal of certification of a substance abuse counselor, clinical supervisor, or prevention specialist and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The department shall approve continuing education programs and courses in accordance with the criteria established under this subsection.

§ 440.88 (11), Wis. Stats. Scope of practice. The department shall promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision, and prevention.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

200 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Individuals certified, or attempting to obtain certification, under s. 440.88 as any level of prevention specialist, substance abuse counselor, or clinical supervisor

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None

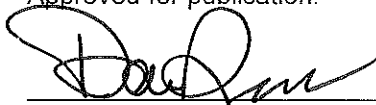
**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The Department believes that the proposed revisions will have minimal to no economic impact.

The Department believes that the proposed revisions will have minimal to no impact on small businesses.

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Approved for publication:



Department Head or Authorized Signature

2/10/14

Date Submitted

Approved for implementation:

Department Head or Authorized Signature

Date Submitted